

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ARACRUZ TRADING LTD.,

Plaintiff,

- against -

JAPaul OIL AND MARINE SERVICES.,

Defendant
-----X

08 CV 3511 (GJK)
ECF CASE

**DECLARATION OF
CAPTAIN DAVID
STOCKLEY**

CAPTAIN DAVID STOCKLEY, declares and states as follows:

1. I am a British National and the Chief Operating Officer and Designated Person Ashore ("DPA") in accordance with IMO's International Management Code for the Safe Operation of Ships and for Pollution Prevention (known as ISM Code) of Stealth Maritime Corporation S.A., the managers for the Plaintiff Aracruz Trading Ltd. ("Aracruz").

2. I have been asked by Freehill, Hogan & Mahar LLP to submit this declaration to: (i) outline the events surrounding the subject collision, and (ii) explain in detail the dangers associated with travel in Nigeria and reason why the Plaintiff Aracruz will not be able to effectively prosecute its case against the Defendant Japaul Oil and Marine Services ("Japaul") in Nigeria.

Stockley Background

3. I have been employed in the maritime field since 1972, and served aboard ocean-going vessels during the period 1972 - 2002.

4. I obtained my UK Master Mariner's license (unlimited tonnage) in 1988 and sailed as Master from 1988 through 2000, primarily on tankers with some time working in Shipping Companies as Marine Manager.

5. I came ashore permanently in 2000 and owned a maritime consultancy business called Buildshare Ltd. for the period 2000 - 2003 and worked as the operations director and DPA for General Maritime Management LLC in its Piraeus, Greece office from 2003 to 2006.

6. I joined Stealth Maritime in 2006 in the position of Chief Operating Officer and Designated Person Ashore ("DPA") and presently still hold these positions.

7. Stealth Maritime is the commercial and technical managers of the gas carrier ("LPG/C") vessel GAS AMAZON, owned by the Plaintiff Aracruz.

8. The officers and the crew of LPG/C GAS AMAZON are employed by the vessel's crew managers on behalf of the Plaintiff Aracruz in accordance with a management agreement between Stealth Maritime and the crew managers.

9. As the Chief Operating Officer of Stealth Maritime, I define company policies and objectives with regards to quality, health, safety and environmental protection. I also ensure the shipboard operations are manned with sufficient, qualified and adequately experienced personnel and I monitor and set policy to ensure the safety of the vessels, crew and officers of the ships operated under Stealth Maritime's management.

10. Stealth Maritime operates a fleet of approximately 40 ocean-going gas carriers and in my capacity as the Chief Operating Officer and the Designated Person Ashore, I have personal knowledge of and monitor the conditions in the ports to which these vessels trade, in particular, the conditions in Nigeria.

Circumstances Surrounding the Collision

11. In respect to the facts giving rise to this case, the facts are relatively straightforward and, as far as I know, are not disputed or challenged by Japaul.

12. On February 19, 2008, the M/T GAS AMAZON was anchored at the Bonny Inner Anchorage in Port Harcourt awaiting outbound clearance.

13. At approximately 1845 hours local time, the Chief Officer Eduardo M. Deloso (a Filipino national) who was then on anchor watch, observed a tug (the JAPaul B) approaching very close to the vessel's starboard side with a dead ship in tow (the M/T STELLAR).

14. The weather at the time was clear, there was a slight breeze of force 3 (between 7 – 10 knots) and smooth sea state. The Chief Officer monitored the approach, attempted to contact the tug on the VHF radio, and sounded the vessel's horn to call attention to the tugboat master of the danger.

15. He also summoned other vessel officers including the Second Officer, Ronald Sediego, and the Master, Captain Torres, who attended on the bridge and witnessed the incident.

16. Shortly thereafter, a strong vibration was felt when the dead ship (i.e. the STELLAR) being towed by the tug JAPaul B struck the LPG/C GAS AMAZON.

17. Soundings were immediately taken to determine whether the hull had been breached and whether there was any flooding, which was not the case.

18. Shortly thereafter, at approximately 1910 hours, the tug master contacted the LPG/C GAS AMAZON, introduced himself as Captain Grikpa, and informed the GAS AMAZON's officers that a representative of Japaul would contact the vessel tomorrow to examine the damage caused by the collision.

19. The officers of the GAS AMAZON, utilizing VHF Channel 14, attempted to report the incident to Port Harcourt control but no response was received.

20. As a consequence of the contact by the dead ship, the LPG/C GAS AMAZON sustained damage to the forecastle bulwark and railings, the underforecastle deck. A copy of the vessel incident report is attached to this Declaration as Exhibit A, and the statements of the Chief Officer and the Second Officer are annexed as Exhibits B and C, respectively.

21. Despite the representations from the tug captain that representatives from Japaul would contact the vessel regarding the incident, no contact from Japaul was ever received.

Events Following the Collision

22. Immediately following the collision, and in order to determine the seaworthiness of the vessel and the extent of the damage, we attempted to arrange for a marine surveyor to attend the vessel at the anchorage.

23. Although we were able to make contact with a marine surveyor located in Nigeria, he was unable to get out to the vessel because there was no launch service available.

24. We later learned that no launch service was available because one of the launch masters who operate the service had been murdered by an armed gang and as a consequence, there was no means by which we were able to get our surveyor out to the vessel to examine the damages caused by Japaul's tug and tow for almost two weeks.

25. Due to the unsafe conditions in Nigeria and the lack of availability of repair facilities, we eventually ordered the vessel to depart and then arranged for repairs in Spain.

26. Also, all efforts to reach Japaul for purposes of a dialog for resolution of this claim and security for our losses were ignored. We attempted to contact them after the incident and attempted to contact them through counsel but no response was received. We also invited them to attend a survey of the vessel and jointly inspect the damages caused but received no confirmation that they intended to send anyone.

27. In early April, we finally received a response to the messages we had sent (initial messages sent in February 2008) asking that the inspection be delayed from the first week of April to the second week in April. (See Exhibit D.)

28. The vessel was not in fact brought alongside for inspection until the second week in April but no surveyor attended on behalf of Japaul either from Spain or from Nigeria.

29. Japaul has never in any communication disputed its liability for the damages caused by its tug.

Conditions in Nigeria

30. As outlined above, I serve as the Designated Person Ashore and in that capacity, am aware of and study reports on the safety conditions in the ports to which gas carriers trade, and am particularly familiar with the conditions in Nigeria.

31. Travel there has been and remains extremely dangerous, in particular the area involved in this incident. It lacks any meaningful governmental control or security, and instead is essentially lawless and is controlled by armed gangs, kidnappers, and military insurgents.

32. The area is especially dangerous for Filipinos who have been targeted by these gangs and kidnappers.

33. By way of illustration, I attach as Exhibit E is a recent printout from the Africa Masterweb Report chronicling the extensive kidnapping and armed attack incidents in this area reflecting the utter lawlessness that pervades this region and the danger to which foreigners are exposed, particularly Filipinos.

34. As a consequence of these conditions which persist in this area, we never permit officers or crew to disembark a vessel in Nigeria, and we have no office and no employees on the

ground in Nigeria because of the dangers posed to foreigners as a consequence of the complete lack of security.

35. It is standing company policy that no officers or crew are ever permitted to leave a vessel while in Nigeria and to the extent possible, we arrange for any transfers of cargo to be made on a ship-to-ship basis or via pipeline connection to minimize any access that these marauding gangs can have to our vessels and personnel.

36. The risks to Filipinos are so great that the Filipino government, Department of Labor and Employment, has issued an absolute ban on any Filipino nationals entering Nigeria for work purposes, and there are civil and criminal penalties for any agencies who recruit for purposes of bringing Filipinos into Nigeria for employment reasons. (See Exhibit F "Deployment Ban" issued by Department of Labor and Employment of the Philippines.)

37. In this respect, the Philippine Overseas Employment Administration ("POEA") (the Filipino governmental agency responsible for the development of the country's overseas employment program) who approves the employment of our officers and crew is bound by the above mentioned Department of Labor directive banning deployment of workers in Nigeria.

38. As outlined above, the principal witnesses to the incident include the Chief Officer Eduardo M. Deloso, as well as the Master (Captain Torres) and Second Officer Ronald F. Sediego, all of whom are Filipino nationals.

39. Based upon the conditions in Nigeria, and my discussions with these officers, I can confirm that they will not travel into Nigeria for the purposes of this case, nor would this company apply pressure for them to do so, given the safety risks to which they would be exposed.

40. In addition, and under the ban in force by the Philippines Department of Labor and Employment, it is our understanding that they are not allowed to enter Nigeria and indeed any effort to arrange or facilitate entry into Nigeria would be a violation of law.

41. The officers outlined above will travel to New York to testify in this matter.

42. I should also add that we were never contacted by any Nigerian maritime authority with respect to this incident for purposes of any report or investigation.

43. In addition, no police, navy or maritime official contacted the vessel subsequent to the incident regarding any investigation.

44. Finally, Stealth Maritime has no office in Nigeria and has never been involved in a lawsuit in Nigeria.

I declare under penalty of perjury under the laws of the United States of America the foregoing is true and correct.

Executed at Kilissia Greece
September 2, 2008


CAPTAIN DAVID STOCKLEY

Ex. A



STEALTH MARITIME CORPORATION S.A.

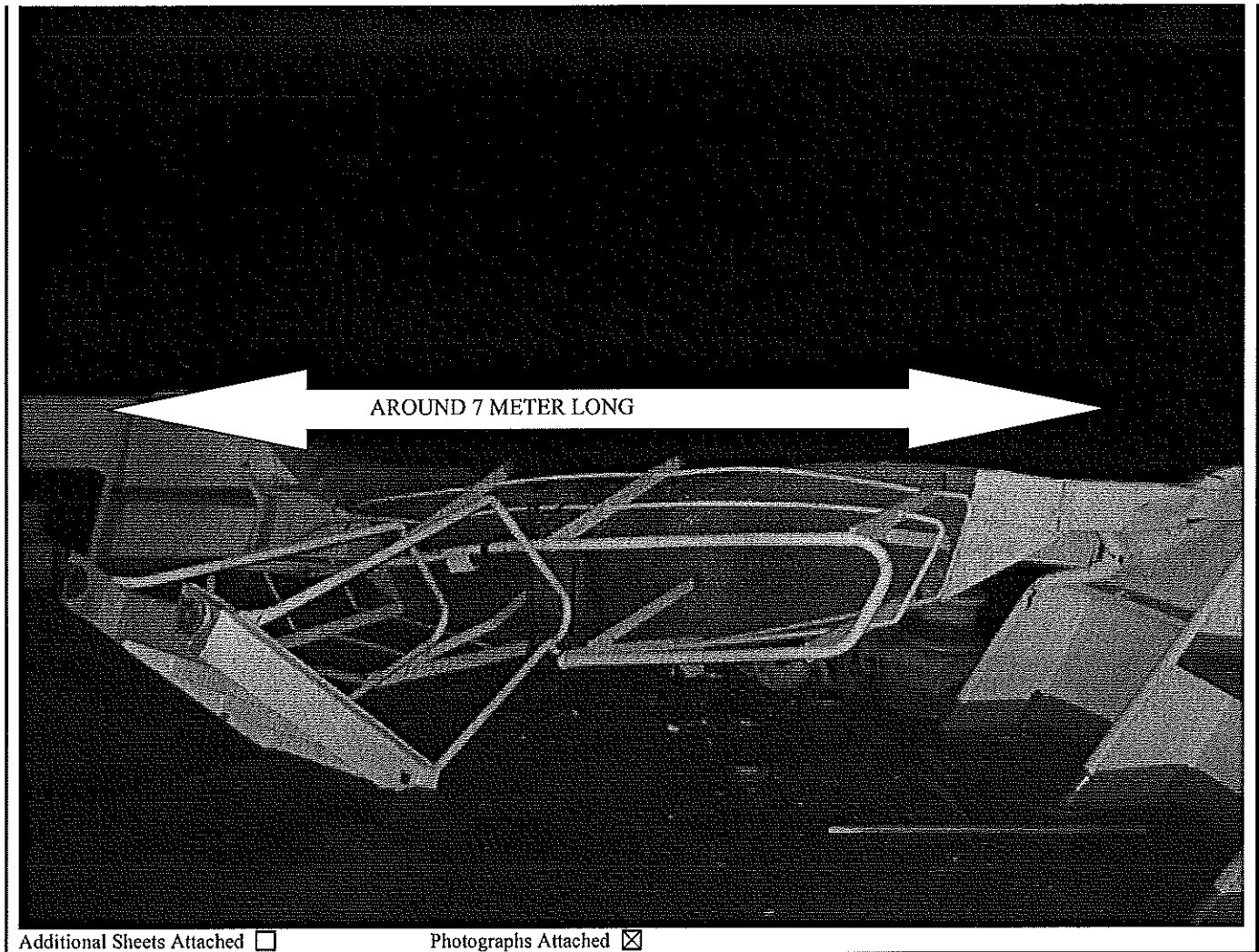
VESSEL INCIDENT REPORT

Vessel:	GAS AMAZON		V/L Position:	AT ANCHOR AT BONNY INNER ANCHORAGE		Report Number:	01/08		
Report Issued by (Name, Rank):						Date Issued:	FEB.19,2008		
Details of Occurrence:									
Date of Occurrence:	FEB.19,2008		Time:	1905LT		Reported By:	MASTER		
Date Reported:	FEB.19,2008		Time:	1905LT		Reported To:			
Type of Actual / Potential Harm									
<input checked="" type="checkbox"/> Property Damage/Loss (Own) <input type="checkbox"/> Property Damage/Loss (3 rd Party) <input type="checkbox"/> Environment <input type="checkbox"/> Process Loss									
Details of Person(s) Involved:									
Name:		Rank:		D.O.B.:		Sex:	M	Nat:	FIL
Name:		Rank:		D.O.B.:		Sex:	M	Nat:	FIL
Witness(es) Name(s) and Rank(s):									
EDUARDO DELOSO / CHIEF OFFICER, AB EDISON TA-A AND OS LERASOL / RATINGS ON DUTY									
RONALD SEDIEGO / SECOND OFFICER									
CPL IKWULONO USMAN AND CPL SAMUEL DAUD / WATCHMAN ONBOARD									
Furnished Witness(es) Statements of Occurrence - attached to this form <input type="checkbox"/>									
Location of Occurrence:									
<input type="checkbox"/> Accommodation			<input type="checkbox"/> Bridge			<input checked="" type="checkbox"/> Deck			
<input type="checkbox"/> Engine Room / Machinery Spaces			<input type="checkbox"/> Pumprooms			<input type="checkbox"/> Enclosed Spaces (Cargo/Bunker)			
<input type="checkbox"/> Enclosed Spaces (Ballast)			<input type="checkbox"/> Enclosed Spaces (Machinery)			<input type="checkbox"/> Engine Room / Machinery Spaces			
Other: PORT SIDE LIFEBOAT									
Conditions:									
Vessel was:	ANCHORING AT BONNY INNER ANCHORAGE		Weather was:	GOOD WEATHER		Sea was:	SMOOTH		
Lighting was:	ADEQUATE		Air Temp:	29		Sea Temp:			
Wind Force:	SW/3		Other:						
Was protective clothing/equipment being used?						Was negligence or misconduct a factor?			NO
Description of Incident:									
<p>VESSEL WAS AT ANCHOR AT BONNY INNER ANCHORAGE WAITING FOR THE DEPARTURE CLEARANCE. IT WAS ALREADY HER 4TH DAY SINCE SHE ANCHORED ON FEB.15, 2008. WHEN ON FEB 19, 2008, AT AROUND 1845LT, CHIEF OFFICER WHO WAS ON ANCHOR WATCH CALLED MASTER INFORMING THAT A TUG WAS CROSSING VERY CLOSE TO OUR BOW FROM STARBOARD SIDE. MASTER IMMEDIATELY RAN TO THE BRIDGE AND AT THE SAME TIME ONE PROLONGED BLAST WAS GIVEN BY CHIEF OFFICER TO CALL THE ATTENTION OF THE TUG BOAT. CHIEF OFFICER CONTACTED THE TUGBOAT BY VHF BUT THE LATTER DIDN'T RESPOND. FEW MINUTES LATER AT AROUND 1905LT, A STRONG VIBRATION WAS FELT. THE VESSEL TOWED BY TUG DRIFTED AND COLLIDED OUR VESSEL. SOUNDINGS WERE IMMEDIATELY MADE TO ADJACENT TANKS AND SPACES TO DETERMINED IF THERE ARE ANY FLOODING; NONE WERE FOUND. THE TUG DID'NT STOP AFTER THE COLLISION, BUT AT AROUND 1910LT, A CALL WAS RECEIVED BY VHF FROM THE MASTER OF THE TUG, INTRODUCING HIMSELF AS CAPTAIN GRIKPA, AND INFORMED US THAT THEIR REPRESENTATIVE WILL COME TOMORROW TO CHECK THE DAMAGE. EFFORTS TO CONTACT PORT CONTROL AND AGENT ON VHF CH.14 TO REPORT THE INCIDENT BUT NO RESPONSE. CALLED CAPT.NIKOS MARKOMICHELAKIS AND REPORTED THE INCIDENT.</p>									
EXTENT OF THE DAMAGE:									
<ol style="list-style-type: none"> 1. FORECASTLE BULWARK AND RAILINGS AROUND 7 METER WIDE , TOTALLY COLLAPSED 2. UNDER THE FORECASTLE DECK, 6 PCS FRAMES WERE BENT AROUND 50 CM LENGHT 									



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VESSEL INCIDENT REPORT

Additional Sheets Attached ☐Photographs Attached ☒

Causes / Contributory Factors to Incident

(Please Tick the boxes for both "Immediate" and "Basic" causes you consider to be in the origin or behind the occurrence. Please provide a brief explanation for the ticking of each item in the section "Investigation Conclusions")

Immediate cause(s):

- | | | |
|---|--|--|
| <input type="checkbox"/> Failure to Follow Rules/Regs | <input type="checkbox"/> Operating equipment / machinery without authority | |
| <input type="checkbox"/> Incorrect use of equipment/machinery | <input type="checkbox"/> Using defective equipment/machinery | <input type="checkbox"/> Failure to use PPE |
| <input type="checkbox"/> Failure to follow instructions | <input type="checkbox"/> Failure to warn | <input type="checkbox"/> Failure to secure |
| <input type="checkbox"/> Making safety devices inoperative | <input type="checkbox"/> Improper position for task | <input type="checkbox"/> Improper lifting, handling or stowage |
| <input type="checkbox"/> Horseplay/Inappropriate behaviour | <input type="checkbox"/> Under the influence of alcohol/drugs | <input type="checkbox"/> Sabotage, wilful damage |
| <input type="checkbox"/> Suicide/Homicide | <input type="checkbox"/> Inadequate guards/barriers | <input type="checkbox"/> Inadequate or defective PPE |
| <input type="checkbox"/> Defective equipment/machinery | <input type="checkbox"/> Inadequate warning system | <input type="checkbox"/> Adverse weather conditions |
| <input type="checkbox"/> Adverse sea conditions | <input type="checkbox"/> Poor housekeeping | <input type="checkbox"/> Congestion/restricted action |
| <input type="checkbox"/> Inadequate / excessive illumination | <input type="checkbox"/> Fire/explosion | <input type="checkbox"/> Noise/temperature |
| <input type="checkbox"/> Inadequate ventilation | <input type="checkbox"/> Environmental condition | <input type="checkbox"/> Port/Berthing facilities |
| <input type="checkbox"/> Cargo | <input type="checkbox"/> Bunkers/Lub oils | <input type="checkbox"/> Other substandard Acts/Conditions |

Basic Cause(s):

Personal Factors

- ☐ Disregard of Instructions.
☐ Failure to Understand.

Organisational Factors

- ☐ Lack of Discipline.
☐ Inadequate Planning

Job Factors

- ☐ Abuse and Misuse.
☐ Inadequate Engineering.



STEALTH MARITIME CORPORATION S.A.

VESSEL INCIDENT REPORT

- | | | |
|--|--|--|
| <input type="checkbox"/> Inadequate Capability. | <input type="checkbox"/> Inadequate Supervision. | <input type="checkbox"/> Inadequate Purchasing. |
| <input checked="" type="checkbox"/> Insufficient Thought and Care. | <input type="checkbox"/> Inadequate Routines. | <input type="checkbox"/> Inadequate Maintenance. |
| <input checked="" type="checkbox"/> Lack of Anticipation. | <input type="checkbox"/> Inadequate Resources. | <input type="checkbox"/> Inadequate Equipment. |
| <input type="checkbox"/> Lack of Knowledge. | <input type="checkbox"/> Inadequate Training. | <input type="checkbox"/> Wear and Tear. |

Witness(es) Name and Rank:

Furnished Witness(es) Statements of Occurrence - attached to this form ☐**Cause Analysis Details & Investigation Conclusions:**

BASIC CAUSE WAS ON THE PART OF THE TOWING VESSEL AS SHE CROSSED OUR BOW VERY CLOSE WITHOUT ANTICIPATING THE EFFECT OF THE EBB CURRENT AND DIDN'T TAKE ANY ACTION DESPITE EARLY WARNING GIVEN TO HER.

Preventative Actions (should be aimed toward Basic Causes):

(Please Tick the boxes for both "Preventative Actions" you consider important to prevent recurrence of similar occurrences both at ship and fleet level. Please elaborate your choices in the following section of the report, i.e. what exact / specific preventative actions you propose)

1. By Direct Supervision	Action Date
<input type="checkbox"/> Enforce rules, standards or instructions closely. <input type="checkbox"/> Give adequate or complete job instructions. <input type="checkbox"/> Provide correct and safe tools or equipment. <input type="checkbox"/> Provide safe plant, facilities or equipment. <input type="checkbox"/> Provide sufficient or better personal safety devices. <input type="checkbox"/> Improve design, construction or materials. <input type="checkbox"/> Improve working environment (Climatic conditions, noise, vibration, etc). <input type="checkbox"/> Provide sufficient personnel. <input type="checkbox"/> Regulate pace of job. <input type="checkbox"/> Review and correct inspection procedure. <input type="checkbox"/> Review and correct job planning.	
2. By Counselling and or Placement	Action Date
<input type="checkbox"/> Adequately train employees. <input type="checkbox"/> Change employee duties or assignment to be more compatible with abilities. <input type="checkbox"/> Counsel employee on attention to detail of job.	



STEALTH MARITIME CORPORATION S.A.

VESSEL INCIDENT REPORT

<input type="checkbox"/>	Counsel employee on haste with which they work.	
<input type="checkbox"/>	Reprimand or take other disciplinary action.	
3.	Other	Action Date
<input type="checkbox"/>	Contact Contractor, customer, etc, to effect corrective action.	
<input type="checkbox"/>		
Details of Preventative Actions Proposed:		
Originator's Name (Print):		Signature
Master's Name (Print):		Signature
Office Use:	Date Received	Reviewed:
Further Action Required? <input type="checkbox"/> Y <input type="checkbox"/> N		Date Closed:
DPA Closing Notes:		


Ex. B

Feb.20,2008

STATEMENT OF FACTS

I Mr. EDUARDO M. DELOSO the Chief Officer of LPG/C GAS AMAZON who was the duty Deck Officer at the time of unfortunate incident. Upon assuming the anchor watch duties, At first I have to read and confirmed with the Master's present instructions, and adhere to our Company's Bridge Check List 8-Anchoring & Anchor Watch, and to comply with COLREG Reg 30 (a), & ©. On that time I am using the Radar No.1 to make a good assessment of our vessel's anchor position in addition to GPS and by also taking radar range relative to surrounding land, and to closely monitor the approach of the other vessels passing near to our position. And in addition to do a good lookout, I was also using a binocular to easily detect other vessels' progress. The visibility is still good despite that it was nearly twilight, our ship's heading in that moment was 023T, and the current was ebbing. Then, I observed a tug boat with a tow about 3 points relative to our starboard bow with a distance less than a mile, she was heading downstream. Her intention was likely to cross our bow despite that it was very evident that there's not enough room for her to intentionally pass to our bow going to our port side. I assumed that her intention was very dangerous, so I immediately called up her attention(Tug) on VHF Ch.16 & 14 the Port control working channel without addressing on her exact name because she was not detected by our AIS, and that by visual lookout her name was not readable. No one responded to my call, so I gave to her 1 prolonged blast to make her alarmed for her dangerous, non-seamanship maneuvers. At 1845LT, I called-up the Master by telephone and at that moment he was on his cabin informing him the imminent situation to arise. He immediately went up to the bridge, and after a few seconds the 2nd Officer followed so we were on our bridge team to do whatever the best actions to prevent the dangerous action made by a Towing vessel. At 1905LT a strong vibration was felt, the vessel which was towed by the "TugJAPAU 8" drifted and collided to our bow. Before that time of impact, I assumed that it will going to happen, I ordered the duty deck ratings to immediately evacuate their F'cle station watch and to make shelter at the accommodation structure. The security/police personnel also witnessed the incident and ran for safety. At about 1910LT the Tug Master Capt. Grikpa called the Master and they through VHF radio, and the Tug Master gave us his vessel's particulars and relevant informations. The Master took photos for evidence reports. I ordered the duty deck ratings to take soundings for 30mins.interval on the adjacent Void Spaces, Water Ballast Tanks and other compartments up to the next morning. We found out that there's no sign of flooding, the vessel has suffered damage on her bow above the waterline.

All statements written therein are true to the best of my knowledge.


EDUARDO M. DELOSO
Chief Officer of LPG/C GAS AMAZON

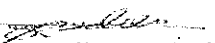
Ex. C

**SECOND OFFICER'S STATEMENT REGARDING
THE 19TH FEBRUARY 2008 INCIDENT**


On 19 February 2008, at about 1845LT while I was about to take a nap in my cabin, I heard our vessel, M/T Gas Amazon sounded one (1) prolonged blast of the ship's whistle. I afterwards felt our vessel shook heavily at 1905LT as if something hit our ship. I immediately proceeded to the bridge and discovered that another tanker vessel being towed, which was at that moment dead ahead of us, had hit the fore section of our vessel. I tried to find out the tugboat's and the other tanker ship's names by using a binocular. At first, I seem to have read the tugboat's name as "JAPaul 8," being not well lit, not displaying appropriate navigational and towing lights and as well as being unequipped with an Automatic Identification System. I also discovered that the other tanker vessel was unmanned and unnamed. The Chief Officer and I tried to contact the subject tugboat but she did not reply. Efforts to contact Bonny Signal Station and Daddo Maritime Services, our agent, via VHF radiotelephones were also futile. I afterwards plotted our position to determine if we dragged our anchor; fortunately enough our anchor position GPS position Latitude 04-27.84 N and Longitude 007-09.64 E was maintained. I was still at the bridge at 1910LT when a call via VHF Radiotelephone was received by our Master, Capt. Pablito D. Torres, from the concerned tugboat. An alleged Capt. Daniel Grikpa introduced himself as the Tug Master of "M/T JAPaul (B)," and informed Capt. Torres that a representative from his company will visit our vessel tomorrow morning to know the extent of the damage. After this, I rushed to the forecassle deck to supervise the soundings made by the AB Seaman-On-Duty to the forepeak tank and Forward Boatswain's Store. Finding no trace of flooding, I reported this to the bridge. After a continuous monitoring of the soundings made and upon finding out that we were not taking-in seawater, I proceeded to the bridge to assist the Master and Chief Officer with their reports and correspondence.

I certify that the above-mentioned statement is true and correct to the best of my knowledge and belief.

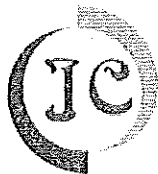
Signed:


Ronald F. Sediego
2/Off M/T Gas Amazon

Attested by:


Capt. Pablito D. Torres
Master M/T Gas Amazon

Ex. D



Japaul Oil & Maritime Services Plc.

RC 250346

Head Office:
Plot 39 Eastern-Bypass, Marine Base,
P. O. Box 12932, Port Harcourt, Rivers State, Nigeria.
Tel: (+234) 84 - 231622, Tel/Fax: (+234) 84 - 238030,
E-mail: japaulng@japaulplc.com, japaulng@yahoo.com
Website: www.japaulplc.com

FRIDAY, 4TH APRIL, 2008.

CONVINGTON MARINE SERVICES LIMITED

188, AWOLOWO ROAD,

S.W.IKOYI, LAGOS

ATTENTION : MR TONY NKADI

SIR,

RE: COLLISION AT BONNY ANCHORAGE.

We are in receipt of your letter dated 02/ 29/ 2008 on the above subject matter and we wish to offer our apologies for the delay in replying your letter and also for the inconveniences the incident has caused.

We ask that a joint inspection be carried out by both parties to enable us assess the extent of damage. We have suggested the following dates, 08/04/2008, 09/04/2008, 10/04/2008, please communicate with the undersigned to confirm which of the dates will be convenient to you.

We appreciate your patience and consideration.

Yours faithfully,
For Japaul Oil and Maritime Services.


Oladimeji Olaronke.

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Ex. E

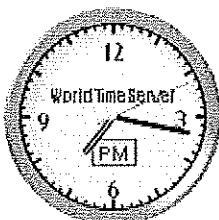
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Chronology of Nigerian militants' Attacks

- Masterweb News Desk

(Thursday, July 24, 2008)

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"Little is known about MEND but it has shown that it is capable of destabilising Nigeria's oil industry. Its leaders are unknown, the same is applicable to the members as they wear masks."



Photo Above: A Nigerian militant levels his machine gun from his war boat on the Escravos River in Delta state, Nigeria.

[Click For Nigerian Militants '06 Chronology of Attacks](#)

Unlike the gin-swilling, flip-flop-wearing youths of previous movements such as Niger Delta Volunteer Force(NDVF),

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Movement for the Emancipation of the Niger Delta(MEND) members wear matching camouflage body armour, boots and masks. MEND launched a series of attacks this year that cut-off twenty five percent of Nigerian oil output. The group warned China to stay away from Niger Delta and has threatened further attacks on oil companies operating in the area.

Little is known about MEND but it has shown that it is capable of destabilising Nigeria's oil industry. Its leaders are unknown, the same is applicable to the members as they wear masks. Mend's leaders like to be faceless, they usually send statements to the media via e-mail. Below is a chronology of major attacks on Nigerian oil industry in 2006 and 2007 by these militants.

Over 200 foreigners have been abducted in the Niger Delta by gunmen in the last four years. Most were released in exchange for money.

January 5, 2007: Gunmen kidnapped 5 Chinese telecom workers. Militants plant a car bomb in the Shell residential compound in Port Harcourt. Shell evacuates some staff from compounds in Port Harcourt, Bonny Island and Warri.

January 10, 2007: Gunmen attacked a base operated by South Korea's Daewoo Engineering and Construction in the Bayelsa state kidnapping 9 South Korean and one Nigerian oil workers.

January 12, 2007: 9 South Korean workers and one Nigerian are freed after being kidnapped when gunmen attacked a base operated by South Korea's Daewoo Engineering and Construction in the Bayelsa state capital Yenagoa on Jan. 10.

January 16, 2007: 3 people including a Dutch oil worker are killed when their boat, operated by South Korean firm Hyundai, was attacked by gunmen on its way to the Bonny Island export terminal.

January 18, 2007: Gunmen free 5 Chinese telecom workers, kidnapped January 5. An Italian is also released in Bayelsa state. 3 foreign hostages remain in captivity.

January 20, 2007: Militants seize German shipping line Baco-Liner cargo ship on its way to Warri port taking all 24 Filipino crew members hostage.

January 23, 2007: Gunmen kidnap 2 engineers, an American and a Briton, in Port Harcourt, on their way to work.

January 25, 2007: 9 employees of Chinese National Petroleum Company (CNPC) working in Bayelsa state under contract with Shell are kidnapped.

February 4, 2007: 9 employees of Chinese National

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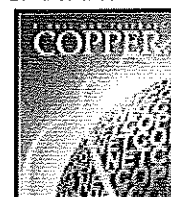
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News/Archive

Petroleum Company (CNPC) kidnapped on January 25 released.

February 6, 2007: Gunmen kidnap a Filipino oil worker on Port Harcourt - Owerri road.

February 7, 2007: A Filipina woman is kidnapped by gunmen in Port Harcourt. This apparently is the first abduction of a woman in the region. The same day, a French oil worker(an employee of Total Oil Co), identified as Gerard Laporal, married to a Nigerian woman is kidnapped by gunmen as he returned home around 9:00 pm.

February 13, 2007: Militants release 24 Filipinos kidnapped on January 20.

February 17, 2007: 4 young Nigerian men serving as missionaries for The Church of Jesus Christ of Latter-day Saints abducted from their apartment in Port Harcourt.

February 18, 2007: 3 Croatian oil workers of Hydrodrive Nigeria abducted in Port Harcourt.

March 4, 2007: Gunmen kidnap a German construction worker and killed a soldier in the Niger Delta.

March 14, 2007: Militants release 2 Italian workers Being held since December 7.

March 23, 2007: A Dutch manager for German building contractor Bilfinger Berger, kidnapped in Port Harcourt.

March 31, 2007: A British worker abducted from the Bulford Dolphin oil rig.

April 2, 2007: 2 Lebanese employees of Setraco abducted in Bayelsa.

April 4, 2007: Dutch manager kidnapped on March 23 is released. British worker abducted on March 31 released and 2 Lebanese employed by Setraco abducted on April 2 also released.

April 7, 2007: Gunmen kidnap 2 Turkish engineers from their car in Port Harcourt.

April 27, 2007: Gunmen kill 2 policemen in a failed kidnap attempt in Port Harcourt as the officers were escorting a convoy of vehicles carrying expatriate staff to work.

May 1, 2007: An American, 4 Italians and a Croat are kidnapped from an offshore oil facility operated by Chevron in Bayelsa State.

May 3, 2007: Gunmen kidnap 20 foreign workers in three attacks, but eight are freed within hours. Saipem reduces

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output by about 50,000 barrels a day.

May 5, 2007: Gunmen abduct a British oil worker from Trident 8 rig operated by U.S.-based Transocean off the coast of Bayelsa. In a separate incident, gunmen abduct a Belarussian woman who works as a manager of Britain's Compass Group from outside her home in Port Harcourt.

May 8, 2007: 3 South Koreans and 8 Filipinos are freed after being held for five days. Rebels blow up three oil pipelines in the Niger Delta, forcing Italian oil giant Eni to halt production of 150,000 barrels per day feeding its Brass export terminal. MEND claims responsibility for the attack.

May 9, 2007: Gunmen kidnap 4 U.S. oil workers from a barge off the coast near Chevron's Escravos crude export terminal.

May 16, 2007: Belarussian woman abducted May 5, is freed.

May 19, 2007: 2 Indian staff of Eleme Petrochemical Company are kidnapped by gunmen in Port Harcourt.

May 22, 2007: In Warri Gunmen abduct a Lebanese man, Financial Controller at oil service company Nigercat in the city.

May 24, 2007: Gunmen kidnap a Polish engineer near Warri.

May 25, 2007: Nine(3 Americans, 4 Britons, a South African, and a Filipino) oil workers are kidnapped from a ship in the Niger Delta.

May 28, 2007: Polish engineer kidnapped May 24 is released.

May 30, 2007: 4 U.S. oil workers, kidnapped May 9 are released.

June 1, 2007: Gunmen kidnap 3 senior managers of Indonesian chemical company Indorama from their residential estate in Port Harcourt. In a separate incident, gunmen kidnap 4 workers from Britain, France, Netherlands and Pakistan from their residential compound of oil services company Schlumberger in Port Harcourt. Yet another raid by gunmen took 10 Indian hostages.

June 2, 2007: An American, 4 Italians and a Croat kidnapped May 1, are released.

June 3, 2007: Gunmen kidnap 6 staff of United Company RUSAL(Russian aluminum giant), in Ikot Abasi in the Niger Delta.

June 11, 2007: 5 Britons and 3 Americans are released in Bayelsa State. 2 Indians, a Filipino and a South African kidnapped May 25, all released.

June 15, 2007: Gunmen kidnap 2 Lebanese men, employees of Italian firm Stabilini, in Ogara in Delta State. In a separate incident in Delta State also, gunmen kidnap 2 Indian construction workers.

June 16, 2007: Militants release 10 Indian hostages held since June 1.

June 21, 2007: Troops kill 12 militants and free some hostages in a dawn raid on an Italian-operated Ogbainbiri oil facility.

June 23, 2007: 4 foreign hostages employed by oil services giant Schlumberger kidnapped June 1 are released unharmed.

July 5, 2007: Margaret Hill, a 3-year-old British girl is abducted in Port Harcourt. She is released July 8.

July 7, 2007: Royal Dutch Shell reports one of its teams attacked in Rivers State, 2 Nigerian workers taken hostage. The 2 Nigerians released July 11.

July 8, 2007: A Bulgarian and a Briton, employees of British oil company Exprogroup kidnapped from a barge near Calabar in Cross River state. They were freed August 8, 2007.

July 12, 2007: Francis Samuel Amadi, 3-year-old son of a traditional ruler of Iriebe is kidnapped in Port Harcourt. He was released next day.

July 31, 2007: A Pakistani construction manager with Gitto, an Italian firm is kidnapped near Bodo in the Ogoni area of Rivers State.

August 10, 2007: Gunmen abducts David Ward, a British manager from oil services firm Hydrodive in Port Harcourt.

August 28, 2007: Pakistani construction manager kidnapped on July 31 is released.

September 23, 2007: Movement for the Emancipation of the Niger Delta (MEND) announces will restart attacks on oil installations and abduction of expatriates following the arrest of its leader, Henry Okah on arms trafficking on September 3.

September 27, 2007: Gunmen raid oil services company Saipem and abduct a Colombian and a Filipino workers of the company, killing another Colombian staff.

October 5, 2007: David Ward, abducted by gunmen August 10, is freed by Nigerian troops.

October 10, 2007: The two Colombian and Filipino workers of oil services company Saipem abducted September 27, are

both released.

October 20, 2007: Seven workers, 4 Nigerians and 3 contractors of Royal Dutch Shell(a Russian, a Briton, & a Croat) are seized at EA field off the coast of Bayelsa State by gunmen in speedboats. All are freed October 22.

October 26, 2007: Gunmen in speedboats attack the Mystras vessel at an offshore oil production facility operated by Saipem, seizing six Indian and Polish oil workers hostage. MEND had claims responsibility for the attack.

October 30, 2007: Six Indian and Polish hostages seized October 26 are all freed.

March 4, 2008: A German employee of German-Nigerian construction group Julius Berger kidnapped in Port Harcourt.

May 23, 2008: 2 foreign workers(a Pakistani & a Maltese) are kidnapped at Omoku village of the Niger Delta.

June 3, 2008: Gunmen abduct 2 Lebanese employees of Setraco, a local engineering company in the town of Amassoma of the Niger Delta.

June 19, 2008: Movement for the Emancipation of the Niger Delta (MEND) attack Royal Dutch Shell's Bonga oilfield , taking Jack Stone, the U.S. captain of a nearby supply ship hostage. Stone was released later same day. "Capt. J. (Jack) Stone, who was captured by our fighters in the early hours of today (Thursday), was released unconditionally to his employers by 1645Hrs," a terse statement from MEND stated. The rebels warn of further attacks.

June 22, 2008: MEND declares ceasefire from attacks following appeal for peace by Niger Delta elders. The group in an electronic email, entitled, "Unilateral Ceasefire:, signed by Jomo Gbomo said, "Effective 12 midnight on Tuesday, June 24, 2008, the Movement for the Emancipation of the Niger Delta (MEND) will be observing a unilateral ceasefire in the Niger Delta region of Nigeria until further notice.

June 22 & 23, 2008: Rival Militants In Gun Battle In Bayelsa - Fierce gun battle between militia groups loyal to the peace pact initiated in the state and those against the process. 2 killed in the fight. Fighting erupted when the later, the Niger Delta Vigilante Force (NDVF) led by warlord Ateke Tom attempted to set up a camp in Opuama in the Southern Ijaw council area. The NDVF was formerly based in Okirika but got chased out recently through the combined efforts of the Rivers State Government and the Joint Military Task Force. It therefore decided to set up another camp in Opuama in Bayelsa. A militant commander in the area popularly known as Prince Igodo vehemently resisted the moves, arguing it would threaten the peace initiative in the area. Prince Igodo is a leading member of the peace pact between Bayelsa State Government and 14 commanders of militant camps in

the state. Attempt by NDVF to go ahead with its plan led to fierce fighting involving the use of sophisticated weapons by both sides.

June 24, 2008: Death toll from fighting between NDVF militants and Prince Igodo's group put at 20.

June 25, 2008: Militants in the Niger Delta call off their unilateral ceasefire and order resumed hostilities. The Joint Revolutionary Council (JRC), comprising Movement for the Emancipation of the Niger Delta (MEND), the Reformed Niger Delta People's Volunteer Force and the Martyrs Brigade, announced the ceasefire call off in a press statement signed by its spokesperson, Cynthia Whyte.

June 27, 2008: Ateke Tom led NDVF militants capture rival militant warlord. Prince Igodo. His two hands are cut-off and he bleeds to death according to reports. In an unrelated incident, gunmen storm a burial function whisking away Mr. Ekpereba Apiri, a permanent secretary with Bayelsa State oil service, as he hosted guests after his relative's interment in their country home of Okodi in Ogbia local government area. Apiri's corpse was dumped at his doorstep the following morning.

July 11, 2008: 2 German employees of construction firm Julius Berger, Nigerian unit of Germany's Bilfinger Berger kidnapped at Emohua in Rivers state.

July 16, 2008: Thousands of Nigerians flee Niger Delta oil town of Bonny after militants threaten to behead people who are not originally from the area.

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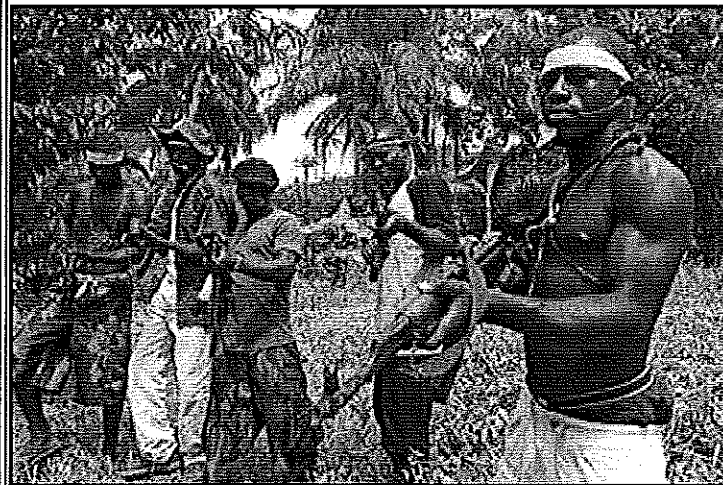


Photo Above: Niger Delta Volunteer Force(NDVF) militants display their weapons. Dokubo-Asari's Niger Delta Volunteer Force took up arms in 2004 to fight for

the interests of the region's majority Ijaw ethnic group, alleging that successive governments had cheated their impoverished communities of the oil wealth produced in the region. In a peace deal with the Nigerian government, Dokubo-Asari turned in most of the weapons of NDVF. Unconfirmed reports claim NDVF has rearmed since then and some members recruited by the more deadlier Movement for the Emancipation of the Niger Delta (MEND). Dokubo-Asari is currently in detention facing treason charges.



Photo Above: Movement for the Emancipation of the Niger Delta(MEND) militants display their weapons - heavy machine guns and rocket-propelled grenade launchers to journalists. *Unlike the gin-swilling, flip-flop-wearing youths of previous movements such as Niger Delta Volunteer Force(NDVF), Movement for the Emancipation of the Niger Delta(MEND) militants wear matching camouflage body armour, boots and masks.

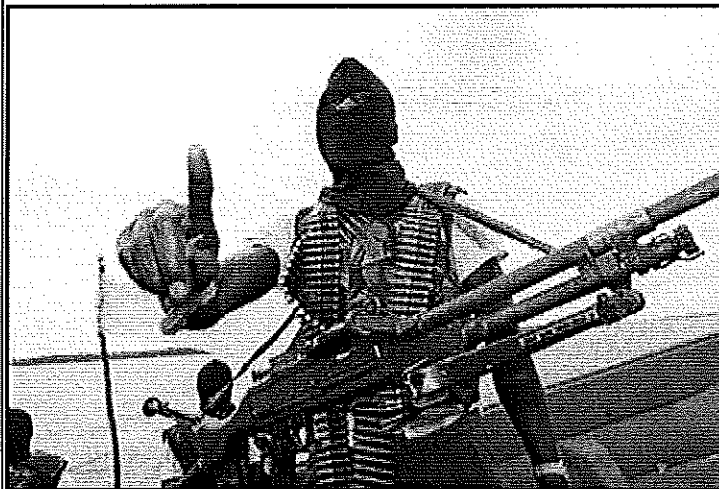


Photo Above: Movement for the Emancipation for the Niger Delta militants wearing black masks, military fatigues and carrying Kalashnikov assault rifles and rocket-propelled grenade launchers patrol the creeks of the Niger Delta. Little is known about MEND but it has

shown that it is capable of destabilising Nigeria's oil industry. Its leaders are unknown, the same is applicable to the members as they wear masks. Mend's leaders like to be faceless, they usually send statements to the media via e-mail.



Photo Above: Armed Movement for the Emancipation for the Niger Delta militants patrol the creeks of the Niger Delta.

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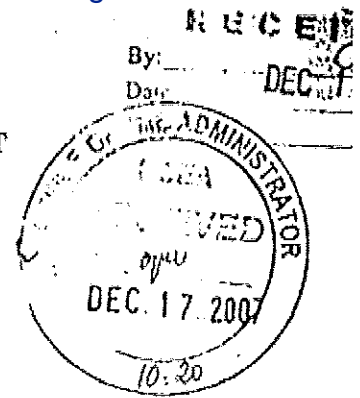
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MEMORANDUM

TO : UNDERSECRETARY LUZVIMINDA PADILLA
ADMINISTRATOR ROSALINDA BALDOZ, POEA
ADMINISTRATOR MARIANITO ROQUE, OWWA

FROM : SECRETARY ARTURO D. BRION, DOLE

SUBJECT : DEPLOYMENT BAN

DATE : 17 December 2007

Pursuant to the advice of the Department of Foreign Affairs, reiterated after we asked for its re-examination, there shall be a total ban in the deployment of all workers to the following destination countries:

- a) Iraq
- b) Afghanistan
- c) Nigeria
- d) Lebanon

Our welfare assistance to OFWs already in those countries (except for Iraq where there is no significant GRP presence) will however continue, or may even be supplemented, as demands of OFW protection may require.

Another companion measure of this total ban is the active measures the POEA should take, both criminal and administrative, against recruitment agencies violating our ban. This should be together with the active participation of the POEA Anti-Illegal Recruitment unit in both anti-illegal recruitment and anti-human trafficking activities. Upon prima facie evidence of violation, the erring recruitment agency should immediately be suspended.